

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT V. TOWNES, IV,
individually and on behalf of
all persons similarly situated,

Plaintiff,

vs.

TRANSUNION, LLC and
TRUELINK, INC.,

Defendants.

Civil Action No. 04-1488-JJF

NOTICE OF SUBSEQUENTLY FILED ACTION AGAINST
DEFENDANT TRUELINK, INC.

Plaintiff Robert V. Townes, IV, individually and on behalf of the putative class identified in his Complaint, respectfully advises the Court of a subsequently filed case against Defendant TrueLink, Inc. (“TrueLink”), captioned Millett v. Truelink, Inc., C.A. No. 05-0599 (SLR). The Millett Court has been advised by counsel for TrueLink of the existence of the Townes “related action” both by letter and in TrueLink’s responses to certain motions filed by the plaintiffs in that case.

In responding to the Millett counsel’s motion for appointment of interim counsel, Defendant TrueLink stated that “. . . some, if not all, members of the putative class in the above-captioned [Millett] action are members of the putative class action in Townes, and both actions assert a common federal statutory claim against the same defendant.” Defendant’s Response to Motion for Appointment of Interim Counsel in Millett at 2 (attached hereto as Ex. 1). TrueLink further stated, “Because these actions ‘arise from the same or substantially identical transactions’, and ‘involve the same or substantially

the same parties,' Local Rule 3.1(b), TrueLink respectfully submits that these cases are related and should be assigned to one judge for coordination." Id; see also id. at n. 1 ("...it appears that the putative class members in the above-captioned action would be mostly, if not entirely, subsumed within the putative class sought to be certified in Townes."))

TrueLink further advises the Millett Court that "... Judge Farnan has already appointed interim class counsel in Townes by order dated October 31, 2005, and entered November 4, 2005. . . . Given the overlapping claims and classes between Townes v. TransUnion LLC and TrueLink, Inc. and the above captioned [Millett] action, the appointment of [the Millett] plaintiffs' counsel as interim class counsel may create the rivalry and uncertainty that Judge Farnan's prior order was intended to avoid." Id. at 3.

Plaintiff Townes agrees with TrueLink that coordination of the Townes and Millett actions is appropriate at this time. The Millett action is to at least some extent subsumed within or affected by the Townes case. Judicial economy would be furthered by such coordination. See Local Rule 3.1(b)(4) (coordination of actions can avoid substantial duplication of labor).

Plaintiff Townes also agrees that the appointment of the Millett counsel as interim class counsel pursuant to Fed.R.Civ.P. 23(g) in these circumstances would undermine the very purpose behind the Rule. Because the Townes counsel have been appointed by this Court as interim class counsel, and because the putative class in Townes at least partially overlaps with the putative class in Millett, this Court should coordinate the two actions and, upon coordination, deny and/or hold in abeyance the Millett counsel's request to be appointed interim class counsel. As these cases progress in a coordinated (but not

consolidated) fashion, the need for any class counsel to pursue the non-overlapping aspects of Millett can be considered and addressed.

This 20th day of January, 2006.

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